

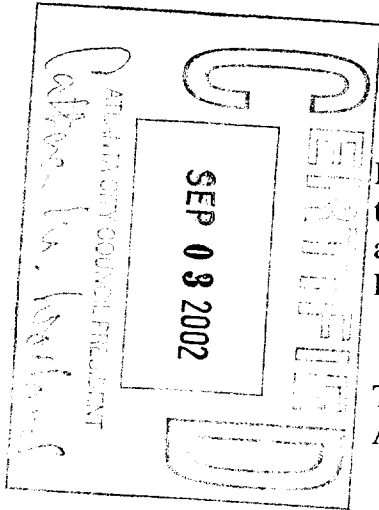
Entered -06-11-01 - sb  
CL 01L370 - GWENDOLYN BURNS

CLAIM OF:

**DON SWANN DISTRIBUTORS**

1300 Simpson Road, NW  
Atlanta, Georgia 30092

02- *R*-1435



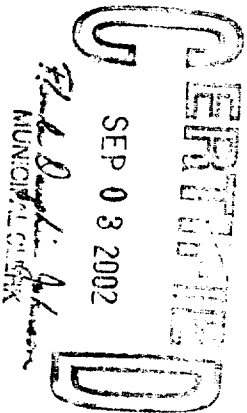
For damages alleged to have been sustained when a piece of metal that was hanging from an overhead bridge ripped open the roof of a vehicle on May 3, 2001 at Simpson Road, NW & Northside Drive, NW.

THIS ADVERSED REPORT IS  
APPROVED

BY:

*Robert N. Godfrey*  
ROBERT N. GODFREY  
DEPUTY CITY ATTORNEY

ADVERSED BY  
CITY COUNCIL SEP 03 2002



## ADVERSE REPORT

COMM: *Public Safety*  
DATE: *8/27/02*  
CHAIR: *[Signature]*  
*[Signature]*  
*[Signature]*  
*[Signature]*  
*[Signature]*



## OFFICE OF MUNICIPAL CLERK

RHONDA DAUPHIN JOHNSON, CMC  
MUNICIPAL CLERK

55 TRINITY AVENUE, S.W.  
SECOND FLOOR, EAST  
SUITE 2700  
ATLANTA, GEORGIA 30335  
(404) 330-6033  
FAX (404) 658-6103

September 10, 2002

Don Swann Distribution  
Attn: Robert Williams, III  
1300 Simpson Road, NW  
Atlanta, GA 30092

02-R-1435

Dear Mr. Williams:

I sincerely regret that you have been adversely affected by the circumstances raised in your claim for damages against the City of Atlanta. Your time and patience in this matter has been greatly appreciated.

However, I must notify you that the Atlanta City Council Adopted an Adverse Report on your claim at its regular meeting on September 3, 2002. In consultation with the City's Law Department, who conducted an investigation of the situation, the Council has determined that the City cannot accept responsibility for this matter and therefore cannot pay this claim.

If you desire any further information, please contact the City Attorney's Office/Claims Division at (404) 330-6400.

Sincerely,

Rhonda Dauphin Johnson, CMC  
Municipal Clerk

cc: Claims Division/Law Department

**DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY**

Claim No. 01L0370

Date: August 12, 2002

Claimant /Victim **DON SWANN DISTRIBUTORS**  
BY: (Atty) (Ins. Co.) \_\_\_\_\_  
Address: 1300 Simpson Road, NW, Atlanta, Georgia 30092  
Subrogation: \_\_\_\_\_ Claim for Property damage \$ 566.38 Bodily Injury \$ \_\_\_\_\_  
Date of Notice: 06/06/01 Method: Written, Proper X Improper \_\_\_\_\_  
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X  
Date of Occurrence 05/03/01 Place: Simpson Road, NW & Northside Drive, NW  
Department \_\_\_\_\_ Division \_\_\_\_\_  
Employee involved \_\_\_\_\_ Disciplinary Action: \_\_\_\_\_

NATURE OF CLAIM: Claimant alleges that its vehicle sustained damage when a piece of metal that was hanging from the bridge ruptured the top of its vehicle while driving on Northside Drive. However, an investigation determined that CSX owns and operates the bridge and railroad system in question. The claimant has been so advised and its claim has been forwarded to CSX for resolution.


**INVESTIGATION:**

Statements: City employee \_\_\_\_\_ Claimant \_\_\_\_\_ Others X Written \_\_\_\_\_ Oral X  
Pictures \_\_\_\_\_ Diagrams \_\_\_\_\_ Reports: Police \_\_\_\_\_ Dept Report \_\_\_\_\_ Other X  
Traffic citations issued: City Driver \_\_\_\_\_ Claimant Driver \_\_\_\_\_  
Citation disposition: City Driver \_\_\_\_\_ Claimant Driver \_\_\_\_\_

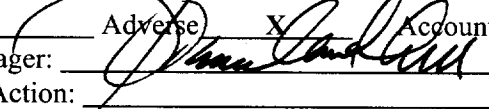
**BASIS OF RECOMMENDATION:**

Function: Governmental \_\_\_\_\_ Ministerial \_\_\_\_\_  
Improper Notice \_\_\_\_\_ More than Six Months \_\_\_\_\_ Other X Damages reasonable \_\_\_\_\_  
City not involved X Offer rejected \_\_\_\_\_ Compromise settlement \_\_\_\_\_  
Repair/replacement by Ins. Co. \_\_\_\_\_ Repair/replacement by City Forces \_\_\_\_\_  
Claimant Negligent \_\_\_\_\_ City Negligent \_\_\_\_\_ Joint \_\_\_\_\_ Claim Abandoned \_\_\_\_\_

Respectfully submitted,

  
INVESTIGATOR GWENDOLYN BURNS

**RECOMMENDATION:**

Pay \$ \_\_\_\_\_ Adverse X Account charged: 1A01 \_\_\_\_\_ 2P01 \_\_\_\_\_ 2J01 \_\_\_\_\_ 2H01 \_\_\_\_\_  
Claims Manager:  Concur/date 08-14-02  
Committee Action: \_\_\_\_\_ Council Action \_\_\_\_\_

RCS# 3953  
9/03/02  
1:47 PM

Atlanta City Council

Regular Session

CONSENT I                      Pgs. 1-14; Except 02-R-1137; 02-R-1458

ADOPT

YEAS: 14  
NAYS: 0  
ABSTENTIONS: 0  
NOT VOTING: 1  
EXCUSED: 0  
ABSENT 1

Y Smith	Y Archibong	Y Moore	Y Mitchell
Y Starnes	Y Fauver	Y Martin	Y Norwood
B Young	Y Shook	Y Maddox	Y Willis
Y Winslow	Y Muller	Y Boazman	NV Woolard

CONSENT I

---

**09/03/02 Council Meeting**

---

**ITEMS ADOPTED ON CONSENT  
AGENDA****ITEMS ADVERSED  
ON CONSENT AGENDA**

- |               |               |               |
|---------------|---------------|---------------|
| 1. 02-O-1455  | 43. 02-R-1492 | 59. 02-R-1418 |
| 2. 02-O-1456  | 44. 02-R-1347 | 60. 02-R-1419 |
| 3. 02-O-1457  | 45. 02-R-1461 | 61. 02-R-1420 |
| 4. 02-O-1460  | 46. 02-R-1462 | 62. 02-R-1421 |
| 5. 02-O-1454  | 47. 02-R-1471 | 63. 02-R-1422 |
| 6. 02-O-1336  | 48. 02-R-1484 | 64. 02-R-1423 |
| 7. 02-O-1337  | 49. 02-R-1486 | 65. 02-R-1424 |
| 8. 02-O-1339  | 50. 02-R-1363 | 66. 02-R-1425 |
| 9. 02-O-1340  | 51. 02-R-1364 | 67. 02-R-1426 |
| 10. 02-O-1341 | 52. 02-R-1365 | 68. 02-R-1427 |
| 11. 02-O-1342 | 53. 02-R-1412 | 69. 02-R-1428 |
| 12. 02-O-1343 | 54. 02-R-1413 | 70. 02-R-1429 |
| 13. 02-O-1226 | 55. 02-R-1414 | 71. 02-R-1430 |
| 14. 02-O-1446 | 56. 02-R-1415 | 72. 02-R-1431 |
| 15. 02-O-1465 | 57. 02-R-1416 | 73. 02-R-1432 |
| 16. 02-R-1370 | 58. 02-R-1417 | 74. 02-R-1433 |
| 17. 02-R-1371 |               | 75. 02-R-1434 |
| 18. 02-R-1372 |               | 76. 02-R-1435 |
| 19. 02-R-1373 |               | 77. 02-R-1436 |
| 20. 02-R-1374 |               | 78. 02-R-1437 |
| 21. 02-R-1375 |               | 79. 02-R-1438 |
| 22. 02-R-1376 |               |               |
| 23. 02-R-1378 |               |               |
| 24. 02-R-1379 |               |               |
| 25. 02-R-1380 |               |               |
| 26. 02-R-1392 |               |               |
| 27. 02-R-1468 |               |               |
| 28. 02-R-1480 |               |               |
| 29. 02-R-1481 |               |               |
| 30. 02-R-1482 |               |               |
| 31. 02-R-1483 |               |               |
| 32. 02-R-1385 |               |               |
| 33. 02-R-1479 |               |               |
| 34. 02-R-1369 |               |               |
| 35. 02-R-1439 |               |               |
| 36. 02-R-1440 |               |               |
| 37. 02-R-1495 |               |               |
| 38. 02-R-1500 |               |               |
| 39. 02-R-1501 |               |               |
| 40. 02-R-1386 |               |               |
| 41. 02-R-1388 |               |               |
| 42. 02-R-1491 |               |               |

---

1<sup>st</sup> Consent I Vote: 14Yeas; 0 Nays (See RCS #3953)  
Items Removed from Consent: 02-R-1137; 02-R-1458